

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRITZ G. DEJOIE,)	
)	Civil Action No. 14 – 1147
Plaintiff,)	
)	District Judge Mark R. Hornak
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
LOUIS FOLINO, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

AND NOW, this 28th day of October, 2016, after Defendants Tenant and Welda filed a Motion for Summary Judgment in the above captioned case on May 10, 2016 (ECF No. 49), and after a Report and Recommendation was filed by the United States Magistrate Judge on September 19, 2016 recommending that the Motion for Summary Judgment be granted (ECF No. 57), and after the parties were given until October 6, 2016 to file written objections thereto, and no objections having been filed, and upon an independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation,

IT IS HEREBY ORDERED that for the reasons set forth in that Report and Recommendation, which is adopted as the Opinion of this Court¹, the Defendants' Motion for Summary Judgment (ECF No. 49) is granted.

¹ The citation to *Bizzell v. Tennis* at page 8 of the Report and Recommendation should be to 449 F. App'x 112 (3d Cir. 2011). The Court would further note that the Plaintiff's declaration, ECF No. 55, is ambiguous as to whether Inmate Frescatore was improperly strip searched, or was not strip searched at all. For the reasons that the Magistrate Judge cogently noted in the Report and Recommendation regarding the applicable legal standard for evaluating Plaintiff's claims, given the prevailing and applicable decisional law, on this record, that would not be determinative.

IT IS HEREBY ORDERED that the Clerk of Court mark this case CLOSED.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

MARK R. HORNAK
United States District Judge

cc: All Counsel of record Via CM-ECF